# **HOUSE**

. No. 174

## The Commonwealth of Massachusetts

PRESENTED BY:

## Michael J. Rodrigues

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to modernize the board of registration of social workers.

#### PETITION OF:

| NAME:                | DISTRICT/ADDRESS:       |
|----------------------|-------------------------|
| Michael J. Rodrigues | 8th Bristol             |
| Michael W. Morrissey | Norfolk and Plymouth    |
| John V. Fernandes    | 10th Worcester          |
| Steven J. D'Amico    | 4th Bristol             |
| James Cantwell       | 4th Plymouth            |
| Jonathan Hecht       | 29th Middlesex          |
| James J. O'Day       | 14th Worcester District |

## The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

### AN ACT TO MODERNIZE THE BOARD OF REGISTRATION OF SOCIAL WORKERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

**SECTION 1**. Section 80 of chapter 13 of the General Laws as appearing in the 2006 Official Edition, is hereby amended by striking such section and inserting in place thereof the following:-

Section 80. There shall be a board of registration of social workers which shall consist of nine members to be appointed by the governor. Members of the board shall be residents of the commonwealth. Seven members of the board shall be licensed under the provisions of sections one hundred and thirty to one hundred and thirty- seven, inclusive, of chapter one hundred and twelve and shall have been actively engaged in the practice or education of social work as defined in section one hundred and thirty of chapter one hundred and twelve for the five years next preceding their appointment. Of the seven licensed members, five members shall be licensed independent clinical social workers or licensed certified social workers as defined in section one hundred and thirty of chapter one hundred and twelve, one member shall be a licensed social worker as defined in section one hundred and thirty of chapter one hundred and twelve, and one member shall be a licensed social work associate as defined in section one hundred and thirty of chapter one hundred and twelve. One member shall be an active member of an organized labor organization representing social workers, and one shall be engaged in social work education. Two members shall be selected from and shall represent the general public. At least one member shall be from a minority group, as defined by the United States Department of Health and Human Services.

- SECTION 2. Section 81 of chapter 13 of the General Laws is hereby amended by adding the following sentence at the end thereof:-
- 19 Each member of the board shall serve for a term of three years and may continue to serve until replaced.
- No member shall be appointed to more than two consecutive full terms, provided, however, that a
- 21 member appointed for less than a full term may serve two full terms in addition to such part of a full term.
- 22 All board members shall be subject to chapter 268A and shall be public employees for the purposes of
- 23 chapter 258 for all acts or omissions within the scope of their duties as board members.
- 24 SECTION 3. Section 84 chapter 13 of the General Laws is hereby amended by striking such section and
- 25 inserting in place thereof the following:-

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26 The board shall at its first meeting and, annually thereafter, elect from among its members, by majority

vote, a chairman, vice-chairman, and secretary. Such officers shall serve until their successors are elected

and qualified. The board shall meet at least once every 6 months and may hold additional meetings as

29 necessary to discharge its duties. A majority of the serving members shall constitute a quorum.

30 The board shall be under the supervision of the division of professional licensure and have the following

powers and duties: (i) to administer and enforce sections 130-137 inclusive, of chapter 112; (ii) to adopt

rules and regulations governing the licensure of social workers and the practice of social work to promote

the public health, welfare and safety of citizens of the commonwealth; (iii) to establish standards of

34 professional and ethical conduct; (iv) to establish standards for continuing education reflecting acceptable

national standards; and (v) to investigate complaints, conduct inspections, review billing and treatment

36 records, and set and administer penalties as defined in sections 61 to 65E of chapter 112, inclusive, and

sections 130-137, inclusive, of chapter 112 for fraudulent, deceptive, or professionally incompetent and

unsafe practices and for violations of rules and regulations promulgated by the board. Conduct which

39 places into question the holder's competence to practice social work shall include, but not be limited

40 to: (1) committing fraud or misrepresentation in obtaining a license; (2) criminal conduct which the

board determines to be of such a nature as to render the person unfit to practice as a social worker, as

42 evidenced by criminal proceedings which resulted in a conviction, guilty plea, or plea of nolo contendere,

or an admission of sufficient facts; (3) violating any rule or regulation of the board; (4) failing to

44 reasonably cooperate with the board or its agents in the conduct of an inspection or investigation.

45 The board may issue orders to licensees directing them to cease and desist from unethical or

unprofessional conduct if the board finds, after the opportunity for a hearing, that the licensee has

47 engaged in such conduct. No person filing a complaint, reporting or providing information pursuant to

48 this clause or assisting the board at its request in any manner in discharging its duties and functions, shall

49 be liable in any cause of action arising out of such complaints, reporting or providing of information or

assistance; provided, however, that the person making such complaint or reporting or providing such

51 information or assistance does so in good faith.

52 Licensing and application fees collected by the board shall be as prescribed by the executive office of

53 administration and finance pursuant to section 3B of chapter 7 and shall be deposited into the trust fund

established in section 35V of chapter 10.

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